

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

UNCLAS STATE 178654

E.O. 11652: N/A

TAGS: TECH

SUBJECT: ABCC

REF: TOKYO 9932

1. WE HAVE THE FOLLOWING COMMENTS IN RESPONSE TO PARA 5 REFTEL. ON ACT OF ENDOWMENT DRAFT OF JUNE 21, 1974: ARTICLE 21-2, IT APPEARS THAT IN PREPARING THIS DRAFT A CLERICAL ERROR WAS MADE IN USING THE FRACTION "TWO-THIRDS (2/3)". THIS SHOULD BE CHANGED TO "THREE-FOURTHS (3/4)". IT MIGHT BE RECALLED THAT THIS REVISION WAS AGREED TO IN THE AFTERNOON SESSION OF JUNE 19.

2. RE ARTICLE 24 - THIS ARTICLE MAY NOT BE NECESSARY SINCE IT APPEARS TO BE COVERED IN ARTICLE 26. IF IT IS TO BE RETAINED IT MIGHT BE COMBINED WITH ARTICLE 26.

3. RE FIRST PARA OF ARTICLE 31. THE PHRASE "AND ONE HALF (1/2) OF THEM SHALL BE SELECTED AND APPOINTED EVERY TWO (2) YEARS" SHOULD BE DELETED FROM THIS ARTICLE AND COVERED IN UNCLASSIFIED

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THE SUPPLEMENTARY PROVISIONS WITH THE FOLLOWING PARAGRAPH:

"THE TERM OF OFFICE OF THE SCIENTIFIC COUNCILLORS AT THE TIME OF THE ESTABLISHMENT OF THIS JURISTIC PERSON SHALL BE TWO (2) YEARS, NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH ONE OF ARTICLE 31." THIS SUGGESTION IS MADE SO THAT THE FORM OF ARTICLE 31 CONFORMS TO THE FORM OF ARTICLE 16.

4. RE ARTICLE 31-3 - SHOULD BE REVISED TO READ "THE PROVISIONS OF PARAGRAPH 5 AND 6 OF ARTICLE 16 SHALL APPLY TO THE SCIENTIFIC COUNCILLORS."

5. RE ARTICLE 33 AND 34(1) WE WOULD LIKE TO SUGGEST THAT THE WORD "FULL" BE INSERTED BETWEEN THE WORDS "THE" AND "BOARD" IN THE THIRD LINE OF ARTICLE 33 AND THAT THE WORD "FULL" ALSO BE INSERTED BETWEEN THE WORDS "THE" AND "BOARD" IN THE SIXTH (6TH) LINE OF ARTICLE 34.

6. RE PARA 2 OF SUPPLEMENTARY PROVISIONS - THIS PARAGRAPH SHOULD BE REVISED TO READ:

"NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH 2 OF ARTICLE 16 THE TERM OF OFFICE OF 1/2 OF THE U.S. DIRECTORS AND OF 1/2 OF THE JAPANESE DIRECTORS AT THE TIME OF THE ESTABLISHMENT OF THIS JURISTIC PERSON SHALL BE TWO (2) YEARS. THE OTHER DIRECTORS WOULD BE APPOINTED FOR FOUR (4) YEARS.

7. RE RECORD OF DISCUSSIONS: AS EMBASSY AND JAPANESE ARE AWARE WE WISH TO DELETE FROM PARA 2 THE PHRASE "... AND TO DONATE TO THE FOUNDATION ALL THE BUILDINGS, FACILITIES AND EQUIPMENT IN JAPAN IN CURRENT USE BY THE ABCC ON THE DAY OF INAUGURATION OF THE FOUNDATION." WE ARE PREPARED, HOWEVER, AS EMBASSY AND JAPANESE KNOW, TO RETAIN THIS PARAGRAPH, SUBJECT TO SATISFACTORY SOLUTION OF THE QUESTION OF OFF-SET BY THE JAPANESE.

8. RE PARA 4 WE WOULD LIKE TO SUGGEST DELETION OF THE WORD "ORGANIZATIONAL" FROM THIS PARAGRAPH.

9. WE HAVE NO COMMENT TO MAKE AT THIS TIME ON THE NOTE BUT MIGHT WISH TO COME BACK TO IT LATER. KISSINGER
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